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OFFICE OF PETITIONS

In re Application of

Lukas, et al.

Application No. 09/518,916

Filed: March 3, 2000

Attorney Docket No. 1160215/0531073

For: SYSTEM AND METHOD FOR
OPTIMIZING A PRODUCT
CONFIGURATION

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed November 16, 2007. The petition will be treated under 37 CFR 1.181, as a request that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned for purported failure to respond in a timely manner to the non-final Office action, mailed June 17, 2005, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on September 18, 2005 for failure to reply to the June 17, 2005 non-final Office action. A Notice of Abandonment was mailed on June 7, 2006.

Petitioners constructively request withdrawal of the holding of abandonment based on the assertion that an amendment and request for a one month extension of time and required fee, *inter alia*, were mailed to the Office on certificate of mailing date October 17, 2005 (a Monday) and received in the Office on October 21, 2005. The undersigned has located the original documents in the application file and Office financial records shows that the required one month extension of time fee was charged on October 24, 2005. The itemized transmittal letter in the application file contains a proper certificate of mailing dated October 17, 2005. Therefore, the one month extension of time and amendment were timely filed per 37 CFR 1.8.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the June 7, 2006 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3625 for consideration of the amendment filed on October 21, 2005 (certificate of mailing date October 17, 2005).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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for Patent Examination Policy